

THURSDAY, MARCH 11, 1993

NINETEENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Roy Hardeman, Clark Range United Methodist Church, Clark Range, Tennessee.

Representative Windle led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Johnson: illness.

Representative Joyce: family illness.

Representative Purcell: to attend the NCSL Leader to Leader meeting in Washington, D.C.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herroh, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

REPORT OF CHIEF ENGROSSING CLERK  
March 11, 1993

The following bill(s) have been transmitted to the Governor for

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his action: House Bill(s) No(s). 4, 51, 109, 840 and 982.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
March 11, 1993**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 547 and 644; also, House Joint Resolution(s) No(s). 80, 85, 86, 88, 89 and 104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
March 11, 1993**

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Wednesday, March 17, 1993: House Bill(s) No(s). 14, 971, 313, 1094, 1282, 701, 795 and 173.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 15, 1993: House Bill(s) No(s). 451, 450, 1224, 737, 563, 960 and 341.

**RESOLUTIONS**

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, March 15, 1993:

House Resolution No. 0014 -- Memorials, Death -- Charles E. Maurer. by \*Rigsby.

House Resolution No. 0015 -- Memorials, Personal Occasion -- Earl and Zama LaRue, seventy-first wedding anniversary. by \*Windle.

House Joint Resolution No. 0119 -- Memorials, Sports -- Vanderbilt University men's basketball team. by \*Love.

House Joint Resolution No. 0120 -- Memorials, Recognition and Thanks -- Jim Runnion. by \*Davis Ronnie.

House Joint Resolution No. 0121 -- Memorials, Death -- Paul O. Zimmerman of Sullivan County. by \*Venable, \*Westmoreland, \*Ramsey.

House Joint Resolution No. 0122 -- Memorials, Public Service -- Louis L. Milhorn of Sullivan County. by \*Venable, \*Westmoreland, \*Ramsey.

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**SENATE JOINT RESOLUTIONS**  
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were placed on the Consent Calendar for Monday, March 15, 1993:

**Senate Joint Resolution No. 0082 -- Memorials, Death -- Carl T. Moore.**

**Senate Joint Resolution No. 0085 -- Memorials, Public Service -- Larry N. Hill.**

**Senate Joint Resolution No. 0086 -- Memorials, Personal Achievement -- Michael Jeter, actor.**

**Senate Joint Resolution No. 0098 -- Memorials, Recognition and Thanks -- Pastor Donald Owens.**

**Senate Joint Resolution No. 0101 -- Memorials, Academic Achievement -- Milligan College.**

**Senate Joint Resolution No. 0102 -- Memorials, Public Service -- Sheriff Ron England and Washington County Sheriff's Department.**

**Senate Joint Resolution No. 0103 -- Memorials, Personal Occasion -- Melissa Mills and Thomas F. Leatherwood III, birth of Celia Mae Leatherwood.**

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 1606 -- Carter County -- Gives planning commissioners same amount of compensation for attendance at meetings as received by county commissioners for meetings. by \*Cole Ralph.**

**House Bill No. 1607 -- Anderson County -- Authorizes election of superintendent of roads. Repeals Chapter 232, Private Acts of 1963, as amended. by \*Cross, \*Coffey.**

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 0059 -- Board of Regents -- Transfers Trenton branch of Dyersburg State Community College from city of Trenton to Dyersburg State, together with responsibility of maintenance and upkeep. Amends TCA, Title 49, Ch. 8. (HB 0044).**

**\*Senate Bill No. 1344 -- Motor Vehicles, Titling and**

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Registration -- Authorizes design and issuance of special license plates for service clubs of Rotary International upon payment of \$25 fee in addition to regular fee. Amends TCA, Title 55, Ch. 4. (HB 1220).

\*Senate Bill No. 1385 -- Motor Vehicles, Titling and Registration -- Allows issuance of Purple Heart special license plates for veterans whose military service pre-dated 1950. Amends TCA 55-4-239. (HB 1232).

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1605 -- Pikeville -- Held on Clerk's desk pending approval by local delegation.

#### RULES SUSPENDED

Rep. Bell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 98 out of order, which motion prevailed.

Senate Joint Resolution No. 0098 -- Memorials, Recognition and Thanks -- Pastor Donald Owens.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Bell, the resolution was concurred in.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Cole (Carter) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 101 out of order, which motion prevailed.

Senate Joint Resolution No. 0101 -- Memorials, Academic Achievement -- Milligan College.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Cole (Carter), the resolution was concurred in.

A motion to reconsider was tabled.

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### RULES SUSPENDED

Rep. Cole (Carter) moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 102 out of order, which motion prevailed.

**Senate Joint Resolution No. 0102** -- Memorials, Public Service -- Sheriff Ron England and Washington County Sheriff's Department.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Cole (Carter), the resolution was concurred in.

A motion to reconsider was tabled.

### CONSENT CALENDAR

**House Joint Resolution No. 0116** -- Memorials, Death -- Walter G. Bumgardner.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniell, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**Senate Bill No. 0044** -- Birth Control -- Requires department of

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human services to provide information on birth control and contraceptive implants available through medicaid program to women of child bearing age who qualify for medicaid. Amends TCA, Title 71, Ch. 5.

Further consideration of Senate Bill No. 44, previously considered on March 4, 1993, at which time it was substituted for House Bill No. 8: Amendments Nos. 1 and 4 were adopted: a motion was made to adopt Amendment No. 3: and the bill was reset to the Calendar for March 11, 1993.

Rep. McDaniel moved that Amendment No. 3, previously filed, be withdrawn, which motion prevailed.

Rep. Ritchie moved to adopt Amendment No. 4 as follows:

Amendment No. 4

Amend Senate Bill No. 44 by inserting the following language in the first sentence of subsection (b) after the word "abstinence" and before the word "which", as amended by House Health, and Human Resources Committee Amendment No. 1:

and the moral benefits of abstinence until marriage,

Rep. Herron moved the previous question, on Amendment No. 4, which motion prevailed by the following vote:

Ayes. . . . .	77
Noes. . . . .	16

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chiles, Clark, Coffey, Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 77.

Representatives voting no were: Armstrong, Callicott, Chumney, Cole (Carter), DeBerry, Dixon, Haley, Hargrove, Jones R (Shelby), Kent, Kernell, Miller, Odom, Turner (Shelby), Williams (Shelby), Williams (Williamson) -- 16.

On motion, Amendment No. 4 was adopted by the following vote:

Ayes. . . . .	68
Noes. . . . .	25
Present and not voting. . . . .	2

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Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Boyer, Buck, Byrd, Callicott, Chiles, Coffey, Cole (Carter), Cole (Dyer), Collier, Cross, Davidson, Davis, Duer, Ferguson, Fisher, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Hillis, Huskey, Jackson, Kent, Kisber, Knight, Lewis, Liles, McAfee, McDaniel, McKee, Meyer, Mires, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wix, Wood -- 68.

Representatives voting no were: Bragg, Brooks, Brown, Chumney, Clark, Crain, DeBerry, Dixon, Fowlkes, Head, Jones R (Shelby), Jones U (Shelby), Kernell, Love, Miller, Moore, Napier, Odom, Pruitt, Robinson, Thompson, Turner (Hamilton), Turner (Shelby), Williams (Shelby), Williams (Williamson) -- 25.

Representatives present and not voting were: Armstrong, Mr. Speaker Naifeh -- 2.

A motion to reconsider was tabled.

Rep. DeBerry requested that Senate Bill No. 44 be moved 5 places down the Calendar.

**\*House Bill No. 0027 -- Adoption --** Allows court to require that prospective adoptive parents obtain counseling relative to responsibilities of being adoptive parents prior to entry of decree or order of adoption. Amends TCA, Title 36, Ch. 1, Pt. 1.

Further consideration of House Bill No. 27, previously considered on March 4, 1993, at which time it was reset to the Calendar for March 11, 1993.

Rep. Buck moved that House Bill No. 27 be passed on third and final consideration.

Rep. Buck moved to adopt Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 27 by adding the following new language at the end of the amendatory section in the original Section 1:

Provided, however, the court shall not require more than two (2) counseling sessions pursuant to this section and such counseling sessions shall not require such prospective adoptive parents to travel more than seventy-five (75) miles from such prospective adoptive parents' home.

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On motion, Amendment No. 1 was adopted.

Rep. Buck requested that House Bill No. 27 be moved to the heel of the Calendar.

**House Bill No. 0435 -- Election Laws --** Adds home and business telephone numbers to information each person making inspection of campaign finance forms must provide. Amends TCA 2-10-111.

Further consideration of House Bill No. 435, previously considered on March 4, 1993, at which time it was reset to the Calendar for March 11, 1993.

On motion, House Bill No. 435 was made to conform with **Senate Bill No. 76**; the Senate Bill was substituted for the House Bill.

Rep. Rigsby moved that **Senate Bill No. 76** be passed on third and final consideration.

Rep. Love moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rigsby moved that **Senate Bill No. 76** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisher, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Stamps -- 1.

A motion to reconsider was tabled.

**House Bill No. 0022 -- Taxes, Real Property --** Authorizes court clerk to bid on behalf of the county amount due for delinquent taxes or costs, where no other bidder offers same or higher bid; permits additional defendants to be added to suit; allows for consolidation



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of other delinquent tax suits. Amends TCA, Title 67, Ch. 5.

On motion, House Bill No. 22 was made to conform with Senate Bill No. 37; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 37 be passed on third and final consideration.

Rep. Love moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rhinehart moved that Senate Bill No. 37 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Foylkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Drafer, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Severance, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

Representative s voting no were: Shirley -- 1.

A motion to reconsider was tabled.

House Bill No. 0573 -- Taxes, Alcoholic Beverages -- Exempts certain taxpayers from bond requirements required to secure payment of taxes on distribution of alcoholic beverages. Amends TCA 57-3-303.

Rep. Rhinehart moved that House Bill No. 573 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

#### Amendment No. 1

Amend House Bill No. 573 by deleting the word, punctuation, and number "six (6)" in the amendatory language of Section 1 and substituting instead the word, punctuation and number "twelve (12)".

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On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 573, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	82
Noes. . . . .	10
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Lewis, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Haley, Haun, Liles, Ramsey, Ritchie, Shirley, Stockburger, Walley, Williams (Union), Wood -- 10.

Representatives present and not voting were: Knight -- 1.

A motion to reconsider was tabled.

Senate Bill No. 0044 -- Birth Control -- Requires department of human services to provide information on birth control and contraceptive implants available through medicaid program to women of child bearing age who qualify for medicaid. Amends TCA, Title 71, Ch. 5.

Further consideration of Senate Bill No. 44, considered earlier on today's Calendar.

Rep. Pruitt requested that Amendment No. 5 be moved to the heel of the Amendments.

Rep. Liles moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Kernell moved to adopt Amendment No. 7 as follows:

Amendment No. 7

Amend Senate Bill No. 44 by inserting the following language in the first sentence of subsection (b) as amended, the following language after the word "marriage" and before the word "which":

"and the health and other benefits of abstinence,"

On motion, Amendment No. 7 was adopted.

Rep. Pruitt moved to adopt Amendment No. 5 as follows:

**Amendment No. 5**

Amend Senate Bill No. 44 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 5 was adopted.

Rep. Turner (Hamilton) moved the previous question, which motion prevailed.

Rep. Pruitt moved that Senate Bill No. 44, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Meyer, Stockburger, Wood -- 3.

A motion to reconsider was tabled.

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CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

House Bill No. 0574 -- Alcoholic Beverages -- Authorizes wholesaler of alcoholic beverages to invest in other businesses and sell products other than alcoholic beverages so long as gross revenues from these ventures do not exceed 50 percent of wholesaler's total gross revenues. Amends TCA 57-3-404.

Rep. Rhinehart moved that House Bill No. 574 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

--Amend House Bill No. 574 by adding the following language at the end of the amendatory language of Section 1:

Nothing herein shall allow or authorize a wholesaler to engage in activities covered by Chapter 5 of this title.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 574 be passed on third and final consideration.

Rep. Rhinehart moved that House Bill No. 574, as amended, be reset to the next available space to the Calendar for Monday, March 15, 1993, which motion prevailed.

\*House Bill No. 0345 -- Pensions and Retirement Benefits -- Establishes procedures relative to governmental employee benefit plans; extends confidentiality to medical records in TCRS. Amends TCA, Title 8, Ch. 25, Pts. 1, 3, 8-34-138, 8-34-206, 8-34-319, 8-34-605; Title 8, Ch. 35, Pts. 2, 4, 8-36-111, 8-36-203, 205, 8-36-303; Title 8, Ch. 36, Pt. 5; Title 8, Ch. 37, Pts. 1, 2, 8-37-301, 8-38-123, 68-211-906. Repeals TCA 8-35-122, 8-35-232, 242; Title 8, Ch. 39, Pts. 3, 4, 6.

Rep. Rhinehart moved that House Bill No. 345 be passed on third and final consideration.

Rep. Love moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 345 by adding the following as a new Section 27 and by redesignating the existing sections accordingly:

Section 27. Tennessee Code Annotated, Section 8-36-808(a), is amended by deleting the number "1991" and by substituting instead the number "1993".

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that House Bill No. 345, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	66
Noes. . . . .	14
Present and not voting. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Chumney, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Fowlkes, Givens, Gunnels, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McKee, Miller, Peroulas Draper, Phelan, Phillips, Pruitt, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Severance, Shirley, Stulce, Thompson, Tindell, Turner (Hamilton), Whitson, Williams (Shelby), Williams (Williamson), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 66.

Representatives voting no were: Chiles, Duer, Ferguson, Haley, Halteman, Harwell, McDaniel, Meyer, Ramsey, Stamps, Stockburger, Walley, West, Williams (Union), Windle -- 14.

Representatives present and not voting were: Lewis, Owenby, Venable, Westmoreland -- 4.

A motion to reconsider was tabled.

House Bill No. 0253 -- Telecommunications -- Exempts telecommunication services paid for, but not billed or charged to service address, in Tennessee from retail sales tax. Amends TCA 67-6-102.

On motion, House Bill No. 253 was made to conform with Senate Bill No. 157; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 157 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. . . . .	94
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: West -- 1.

A motion to reconsider was tabled.

**House Bill No. 0791 -- Firefighters --** Extends emergency powers to fire departments in cases of hazardous materials incident or national disaster. Amends TCA, Title 6, Ch. 21, Pt. 7.

Rep. U. Jones moved that **House Bill No. 791** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

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REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 791 and have this statement entered in the Journal: Rep(s). Miller.

REGULAR CALENDAR, CONTINUED

\*House Bill No. 0161 -- Taxes, Real Property -- Authorizes county trustee to designate bank to act as collection agent for taxes; authorizes bank to accept deposits of county and municipal property taxes. Amends TCA 67-5-1801.

On motion, House Bill No. 161 was made to conform with Senate Bill No. 235; the Senate Bill was substituted for the House Bill.

Rep. Anderson moved that Senate Bill No. 235 be passed on third and final consideration.

Rep. Love moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Anderson moved that Senate Bill No. 235 be reset to the Calendar for Wednesday, March 17, 1993, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 0154 -- Parks, Natural Areas Preservation -- Enacts "Tennessee Adopt A Park Program Act of 1993". Amends TCA, Title 11, Ch. 1, Pt. 24.

On motion, House Bill No. 154 was made to conform with Senate Bill No. 53; the Senate Bill was substituted for the House Bill.

Rep. Hillis moved that Senate Bill No. 53 be passed on third and final consideration.

Rep. Hillis moved to adopt Amendment No. 1 as follows:

Amendment No. 1

Amend Senate Bill No. 53 by deleting sections 1, 2, 3, and 5 and renumbering the remaining sections accordingly.

On motion, Amendment No. 1 was adopted.

Rep. Hillis moved that Senate Bill No. 53, as amended, be passed

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on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 0027** -- Adoption -- Allows court to require that prospective adoptive parents obtain counseling relative to responsibilities of being adoptive parents prior to entry of decree or order of adoption. Amends TCA, Title 36, Ch. 1, Pt. 1.

Further consideration of House Bill No. 27 considered earlier on today's Calendar.

Rep. Buck moved that House Bill No. 27 be passed on third and final consideration.

Rep. Williams (Shelby) moved to adopt Amendment No. 2 as follows:

#### Amendment No. 2

Amend House Bill No. 27 by deleting the language "the court, in its discretion, may" in the amendatory language of the amendatory language of the original Section 1 and by substituting instead the language "if the investigation by the department pursuant to Tennessee Code Annotated, Section 36-1-118 reveals a need for pre-adoptive counseling, the court may".

On motion, Amendment No. 2 was adopted.

Rep. Buck moved that House Bill No. 27, as amended, be passed on third and final consideration, which motion prevailed by the following vote:



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Ayes. . . . . 78  
Noes. . . . . 17

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Boyer, Brooks, Buck, Byrd, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Kent, Kernell, Kisber, Knight, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rigsby, Ritchie, Robinson, Severance, Stamps, Stulce, Thompson, Tindell, Turner (Shelby), Venable, Walley, West, Westmoreland, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Mr. Speaker Naifeh -- 78.

Representatives voting no were: Allen, Arriola, Bragg, Brown, Callicott, Chiles, Hassell, Lewis, Liles, Phelan, Ramsey, Rinks, Shirley, Stockburger, Turner (Hamilton), Whitson, Wood -- 17.

A motion to reconsider was tabled.

#### UNFINISHED BUSINESS

#### MESSAGE FROM THE SENATE March 11, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 83; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

#### RULES SUSPENDED

Rep. Garrett moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 83 out of order, which motion prevailed.

Senate Joint Resolution No. 0083 -- Memorials, Sports -- "Frankie" Allen, Tennessee State University basketball coach. by \*Harper.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Garrett, the resolution was concurred in.

A motion to reconsider was tabled.

#### BILL RETURN REQUESTED

Pursuant to Rule No. 54, Rep. Robinson moved that the Clerk

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request the return of House Bill No. 266 from the Governor, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. Walley, House Bill No. 784 was recalled from the Judiciary Committee and withdrawn from the House.

On motion of Rep. Walley, House Bill No. 837 was recalled from the Judiciary Committee and withdrawn from the House.

**RULES SUSPENDED**

Rep. Bittle moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 118 out of order, which motion prevailed.

House Joint Resolution No. 0118 -- Memorials, Retirement -- Robert H. Leonard. by \*Bittle.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Bittle, the resolution was adopted.

A motion to reconsider was tabled.

**SPONSORS ADDED**

Under Rule No. 43, the following member(s) was/were permitted to add their name(s) as sponsor(s) as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 326: Rep(s). Stulce and Turner (Hamilton) as prime sponsor(s).

House Bill No. 463: Rep(s). McAfee and Turner (Hamilton) as prime sponsor(s).

House Bill No. 506: Rep(s). Bell as prime sponsor(s).

House Bill No. 509: Rep(s). Bell as prime sponsor(s).

House Bill No. 591: Rep(s). Stulce as prime sponsor(s).

House Bill No. 791: Rep(s). Kent as prime sponsor(s).

House Bill No. 1173: Rep(s). Turner (Hamilton) as prime sponsor(s).

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SIGNED  
March 11, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 547 and 644; also, House Joint Resolution(s) No(s). 80, 85, 86, 88, 89 and 104.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS  
March 11, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 116.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE  
March 11, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 48, 1147, 1322, 1340, 1408, 1409 and 1589; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE  
March 11, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 83, 91, 94, 95, 96, 97, 99 and 101; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS  
March 11, 1993

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 573.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR  
March 11, 1993

MR. SPEAKER: I am directed by the Governor to return herewith:

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House Bill No. 1545, with his approval.

DAVID H. WELLES, Counsel to the Governor.

**ENROLLED BILLS**

**March 11, 1993**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 48, 1147, 1322, 1340, 1408, 1409 and 1589; also, House Joint Resolution(s) No(s). 83, 91, 94, 95, 96, 97, 99 and 101.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**March 11, 1993**

The Speaker announced that he had signed the following: House Bill(s) No(s). 48, 1147, 1322, 1340, 1408, 1409 and 1589; also, House Joint Resolution(s) No(s). 83, 91, 94, 95, 96, 97, 99 and 101.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 11, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 98, 101 and 102; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 11, 1993**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 259 and 1014; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 11, 1993**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 547 and 644; also, also, House Joint Resolution(s) No(s). 80, 85, 86, 88, 89 and 104; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE  
March 11, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 117; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR  
March 11, 1993

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill No. 266, per your request.

DAVID H. WELLES, Counsel to the Governor.

MESSAGE FROM THE SENATE  
March 11, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 85, 363, 544, 1180 and 1221; passed by the Senate.

✓ CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Bill No. 0085 -- Pensions and Retirement -- Authorizes County Officials Association of Tennessee to be participating employer in TCRS. Amends TCA, Title 8, Ch. 35, Pt. 2. by \*Hamilton.

\*Senate Bill No. 0363 -- Planning, Public -- Limits application of penalties for noncompliance with recording requirements to owner or agent of owner and leaves title to tract unaffected. Amends TCA 13-3-410. by \*Jordan.

\*Senate Bill No. 0544 -- Zoning -- Shortens from 30 to 15 days length of time required for notice of public hearing to amend county zoning ordinance provisions. Amends TCA 13-7-105. by \*Holcomb.

\*Senate Bill No. 1180 -- Annexation -- Prohibits, under certain circumstances, annexation of property of regional airport authority. Amends TCA, Title 6, Ch. 51. by \*Holcomb.

\*Senate Bill No. 1221 -- Teachers -- Allows for retroactive application of pay supplement for any educator's pay delayed under new or revised evaluation system. Amends TCA 49-5-5212. by \*Crutchfield, \*Springer, \*O'Brien.

ENROLLED BILLS  
March 11, 1993

The following bill(s) have been compared, enrolled, and are

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ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 117.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

### ENGROSSED BILLS

March 11, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 27, 345 and 791; also, House Joint Resolution(s) No(s). 118.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

### ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, March 15, 1993.